



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 6, 2021

VIA ECF

Hon. Valerie E. Caproni
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

USDC SDNY
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Re: *Matzinger v. Kendall, et al.*, No. 20 Civ. 10278 (VEC)

Dear Judge Caproni:

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Petition for Alien Entrepreneur (Form I-526). On behalf of the government, I write respectfully to request that the government’s time to respond to the complaint be extended by forty-five days, *i.e.*, from April 12 to May 27, 2021. If the Court grants the request, the government respectfully requests that the initial conference presently scheduled for April 16, 2021 be adjourned to the week of June 7, 2021 or thereafter.

The extension is respectfully requested because USCIS has issued a Request for Evidence (“RFE”) regarding plaintiff’s Form I-526 and plaintiff has now submitted a response. The extension will provide USCIS additional time to receive and process the RFE response, and then to consider the information provided therein in connection with the other available information and determine next steps, including potentially adjudicating the Form I-526, which could render this case moot. This is the government’s first request to extend the time to respond to the complaint and second request to adjourn the initial conference.¹ Plaintiff’s counsel consents to these requests.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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¹ On February 22, 2021, the government requested an adjournment of the March 5, 2021 initial conference in light of the April 12, 2021 due date for the government’s response to the complaint. See ECF No. 18. The Court granted the request. See ECF No. 19.

Application GRANTED. Defendant must respond to the Complaint by **May 27, 2021**. The initial pretrial conference scheduled for April 16, 2021 is adjourned to **June 11, 2021 at 10:00 a.m.** The parties' joint submission is due by **June 3, 2021**.

SO ORDERED.



4/6/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE